

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

THOMAS BRANDENBURG, <i>et al.</i> ,	:	
<i>On behalf of themselves</i>	:	
<i>and those similarly situated,</i>	:	
Plaintiffs,	:	Case No. 3:16-cv-516
	:	JUDGE WALTER H. RICE
v.	:	MAGISTRATE JUDGE MICHAEL
	:	J. NEWMAN
COUSIN VINNY'S PIZZA, LLC, <i>et</i>	:	
<i>al.</i> ,	:	
Defendants.	:	

ENTRY SETTING FORTH BRIEFING SCHEDULE FOR DEFENDANTS'
FORTHCOMING MOTION FOR PROTECTIVE ORDER; TELEPHONIC
STATUS CONFERENCE TO BE HELD ON JANUARY 3, 2018, AT 4:00
P.M. REGARDING PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION; NEW SCHEDULING ORDER TO ISSUE
SUBSEQUENT TO STATUS CONFERENCE

On November 13, 2017, the Court conducted a telephonic discovery conference with counsel for Plaintiffs, on behalf of themselves and others similarly situated (collectively "Plaintiffs"), and counsel for Defendants Cousin Vinny's Pizza, LLC, Mo Rashad, and numerous limited liability corporations which are owned and operated as a single integrated enterprise (collectively "Defendants" or "Cousin Vinny's"). The parties were unable to resolve their disagreement as to whether contact information of delivery drivers employed by Cousin Vinny's at their stores in Indiana and Virginia during the relevant time period was discoverable based on the scope of Plaintiffs' Amended

Complaint. Defendants signaled their intention to file a motion for protective order pursuant to Federal Rule of Civil Procedure 26(c)(1), and the Court set forth the following briefing schedule:

1. Defendants shall file the motion no later than November 27, 2017;
2. Plaintiffs shall file a memorandum in opposition no later than December 7, 2017;
3. Defendants shall file a reply no later than December 14, 2017; and
4. The Court will issue a decision no later than December 29, 2017.

The parties' Rule 26(f) Report stated that the Court would determine whether to certify Plaintiffs' putative Rule 23 class no later than January 3, 2018. Doc. #12, PAGEID #262. However, the parties' discovery disputes have precluded them from completing class discovery; consequently, Plaintiffs have not yet moved for class certification. Thus, the Court orders a telephonic status conference on Wednesday, January 3, 2018, at 4:00 p.m., after which the Court will issue a new scheduling order regarding class certification and other dates.

Date: November 21, 2017



WALTER H. RICE
UNITED STATES DISTRICT JUDGE